

Remarks/Arguments

Claims 1-18 are pending. Claims 1, 2, 8 and 10 are amended and support can be found page 15, line 16 of the specification where the pump data model is a modeling or simulation program.

Specification

New abstract is enclosed.

Claim Rejections – 35 USC § 103

The Examiner rejected claims 1-13 under 35 USC 103(a) as being unpatentable over "Cracking Rock: Progress in Fracture Treatment Design" hereafter referred to as Brady et al. in view of U.S. Patent Publication US 2002/0198819 to Munoz et al. The Applicants amend claims 1, 2, 8 and 10 and traverse the rejections.

In order to establish a *prima facie* case of obviousness based upon a combination of references, there must be some reason provided by the Examiner to modify and combine the reference teachings in order to arrive at the claimed invention; and there must be a reasonable expectation of success in doing so.

The pump data model is a modeling or simulation program and can not be interpreted as data taken from sensors. The modeling or simulation program represents a database of models of fractures which will induce a pump data model depending of the data taken by the sensors which will fit the best representation of the well fracture.

Therefore claims 1-13 remain patentable.

The Examiner rejected claims 14-18 under 35 USC 103(a) as being unpatentable over Brady et al. in view of Munoz et al. as applied to claims 10-13 above and in further view of U.S. Patent 5,934,373 to Warpinski et al. The Applicants amend claims 1, 2, 8 and 10 and traverse the rejections.

As said for claims 1-13, the pump data model is a modeling or simulation program and can not be interpreted as data taken from sensors. The modeling or simulation program represents a database of models of fractures which will induce a pump data model depending of the data taken by the sensors which will fit the best representation of the well fracture.

Therefore claims 14-18 remain patentable.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

This response is being submitted within three months from the date of the office action. If any extension of time is believed necessary, however, such extension is hereby requested. The Commissioner is authorized to charge any additional required fee, or credit any excess fee paid, to Deposit Account 04-1579 (56.0713).

Respectfully submitted,

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